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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------------|-------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/770,070 | MICHAEL LUNSFORD ET AL. |
| | Examiner Naghmeh Mehrpour | Art Unit 2686 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12/01/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-34 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-34 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-6, 8-10, 15, 17-19, 24-25, 29-30, 32, 34,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley (US Patent number 6,591,094 B1) in view of Pepe et al.(US Patent Number 5,742,905).

Regarding **claims 1, 8, 29**, Bentley teaches a system and method for remotely controlling a device wirelessly (col 4 lines 54-55) with a portable computing device (col 4 lines 31-36), said system comprising: a portable computing device that uses a radio frequency (RF) technology for wirelessly transmitting a control signal based on an occurrence even, the base of Bentley teaching is build up on RF technology (see figure 6, numeral 614, col 4 lines 54-65, col 10 lines 60-67), and the device receiving said control signal and performing an action corresponding to said control signal (col 10 lines 22-27, lines 59-67), an occurrence of a time. **and date, the utilizing performed by a portable computing device** (col 14lines 32-43). Bentley does not teach the device is that wirelessly transmits a control signal based on an occurrence of a predefined time. However Pepe teaches a portable computing device/Personal communication for wirelessly transmitting a control signal based on an occurrence of a predefined time (col 17

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lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepe with Bentley's system, in order to allow user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or changing the conditions of items remotely.

Regarding **claims 2, 30**, Bentley teaches a portable computing device (col 5 lines 24-31). However Bentley does not mention that the portable device is a PDA. Pepe teaches a mobile communication subscriber has various portable messaging equipments, such as PDA, cellular phone, and pager (col 5 lines 40-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching Pepe with Bentley's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, activates/deactivates or changing the conditions of items remotely.

Regarding **claim 3**, Bentley fails to teach a system wherein the **device for wirelessly transmitting an acknowledgement signal to the portable computing device**. However Pepe teaches teach a system wherein the **device for wirelessly transmitting an acknowledgement signal to the portable computing device (col 19 lines 45-64)**. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the above teaching

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Pepe with Bentley's system, in order to increase speed and improve quality of information about user items, and allow a user to automatically detect, changing the conditions of items remotely. Regarding **claims 4-6, 32**, the combination of Bentley and Pepe fails to teach a system wherein the radio frequency technology comprises IEEE 802.11 technology, HOMERF technology, and Blue tooth technology. However the use of radio frequency technology comprising: IEEE 802.11 technology, HOMERF technology, and Blue tooth technology are well known in the art. Therefore, the examiner takes official notice that, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement using RF teaching such as IEEE 802.11 technology, HOMERF technology, and Blue tooth, technology with the combination of Bentley and Pepe, in order enable the users to automatically detect, activate/deactivate or changing the conditions of items remotely by using either over a short rang or a long range.

Regarding **claims 15, 17**, Bentley teaches a system for remotely controlling a device wirelessly with a portable computing device (col 5 lines 24-31, lines 63-65), said system comprising: a portable computing device for wirelessly transmitting a control signal based on an occurrence even, and the device wirelessly receiving said control signal and performing an action corresponding to said control signal (col 10 lines 22-27, lines 59-67). Bentley does not teach the device is a PDA that wirelessly transmits a control signal based on an occurrence of a predefined time. However Pepe teaches that the portable computing device/ Personal communication device/PDA that wirelessly transmits a control signal based on an occurrence of a predefined

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time (col 17 lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the above teaching of Pepe with Bentleys system, in order to increase speed and improve quality of providing information about user items, and allow a user to control specific events or conditions when selected condition occurs, and to automatically detect, activate/deactivate or changing the conditions of items remotely. The combination of Bentley and Pepe fails to teach a system, that operating wirelessly with Blue tooth technology. However a Blue tooth technology is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use above teaching with the combination Bentley and Pepe, in order to increase speed and improve quality of controlling specific events or conditions when selected condition occurs by user remotely.

Regarding claims 8, 34, Bentley teaches that the system a device for wirelessly transmitting status information to the portable computing device (see figure 6, link 614).

Regarding claims 9, 18, Bentley fails to teach that the device wirelessly retransmitting the control signal at a regular interval of time. However Pepe teaches that the device wirelessly retransmitting the control signal at a regular interval of time (col 18 lines 29-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the above teaching of Bentley with Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

Regarding **claims 10, 19**, Bentley teaches a system wherein the portable computing device for alarming before wirelessly transmitting the control signal to the personal digital assistant (col 5 lines 39-46).

Regarding **claims 24-25**, Bentley teaches a system wherein the action comprises: **the operation** becoming activated and deactivated (col 8 lines 31-38).

3. **Claims 7, 16, 26-28, 33**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley (US Patent Number 6,591,094 B1) and Pepe et al. (US Patent Number 5,742,905) in view Kim et al. (US Patent Number 6,118,926).

Regarding **claims 7, 16, 33**, the combination of Bentley and Pepe fails to teach a system that comprises: **VCR and TV, a thermostat, a video cassette recorder (VCR), a coffee maker, a computer system, a sprinkler system, a security system, or a radio**. However Kim teaches a system that comprises: a VCR and a TV (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kim with the combination of Bentley and Pepe, in order to provide benefit

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from improvements in notification systems, which can provide the additional user controllable functionality.

Regarding **claim 26-28**, Bentley further teaches a system wherein the action comprises: monitor conditions of user vehicle, home alarm system that detects emergency conditions, intrusion burglary of a users home or business, activate/de-activate home system such as heating or hot water system, the status of door sensors, window sensors, smoke detectors, fire and flood sensors or any abnormal condition results in immediate notification to the home owner (col 3 lines 55-67), by using electronic mail, facsimile, pager telephone over telephone or public information network such as Internet (col 1 lines 5-11). The combination of Bentley and Pepe does not specifically mention that the system actions comprise : recording a television show, adjusting, a setting, and downloading the show. However Kim teaches a system wherein the action comprises recording and adjusting, and setting a television show (col 2 lines 1-40, col 3 lines 53-65). Since downloading is part of the recording procedures, therefore, Kim further inherently teaches downloading (col 1 lines 63-67, col 2 lines 1-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the above teaching of Kim in the combination of Bentley and Pepe, in order to automatically provide recording of each of a plurality of desired TV programs between predetermined times.

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4. **Claims 11-13, 20-23, 31,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bentley (US Patent Number 6,591,094 B1) in view of Pepe et al. (US Patent Number 5,742,905) in further view of Mahany et al. (US Patent Number 5,657,317).

Regarding **claims 11-13, 20-21,** the combination of Bentley and Pepe does not specifically mention that system comprises: **a relay for wirelessly extending the communication range between the portable computing device and the device.** However Mahany teaches a system comprises: **a relay (35, 36) for wirelessly extending the communication range between the portable computing device and the device** (see figure 1b, col 11 lines 40-59). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Bentley modified by Pepe, in order, for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claims 14, 23, 31,** the combination of Bentley and Pepe fails to teach a system comprising: **a mobile phone for extending the communication distance between the portable computing device and the device** (see figure 1b, col 11 lines 40-59). **However Mahany a mobile phone for extending the communication distance between the portable computing device and the device** (see figure 1b, col 11 lines 40-59). Therefore, it would have been

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obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of the combination of Bentley and Pepe with , in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection.

Regarding **claim 22**, the combination of Bentley and Pepe does not specifically mention that system comprises: a **relay (wirelessly) coupled to the device**. However Mahany teaches a system wherein a **relay 3007 wirelessly coupled to the device** (controller, 3017, see figure 28A). The terminal 3007 is acting as a relaying device. For example, to reach the base station 3015 the commuting device 3009 first transmits to the mobile terminal 3007, and the mobile terminal 3007 relays the signal to the base station 3015 (see figure 28A). Upon receipt, the mobile terminal 3007 relays the transmission, and forwarded to one of the base stations 3015/3017 (col 45 lines 7-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Mahany with Bentley modified by Pepe, in order for the mobile user to be able to move in to the vicinity of the any other base station, and roam to any coverage area without losing the connection. Since the mobile terminal (relay) wirelessly coupled to the base station 3017 and the computing portable device 3009. Therefore it would have been obvious to one of ordinary skill in the art at the time

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of the invention for the purpose of having the fix station, physically couple the relay to the device, instead of wirelessly.

Response to Arguments

5. Applicant's arguments with respect to claims 1-34, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any responses to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

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If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703) 305-4379.

NM

Feb 7, 2004

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600.